

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**ABRAHAM (JUNIOR) CRUZ,**  
**Plaintiff**

**v.**

**ALLEGHENY COUNTY JAIL, et al.,**  
**Defendants**

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**No. 1:21-cv-00344**

**(Judge Kane)**

**(Magistrate Judge Schwab)**

**ORDER**

Before the Court in the above-captioned action is the March 2, 2021 Report and Recommendation of Magistrate Judge Schwab (Doc. No. 5), recommending that the Court transfer this case to the Western District of Pennsylvania pursuant to 28 U.S.C. § 1406(a) because venue is improper in this district, but proper in Western District of Pennsylvania.<sup>1</sup> No objections to the Report and Recommendation have been filed.

**ACCORDINGLY**, on this 22nd day of March 2021, upon independent review of the record and the applicable law, **IT IS ORDERED THAT:**

1. The Court **ADOPTS** the Report and Recommendation (Doc. No. 5) of Magistrate Judge Schwab;
2. Plaintiff's motion for leave to proceed in forma pauperis (Doc. No. 2) is **DEFERRED** to the transferee court; and

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<sup>1</sup> 28 U.S.C. § 1406 provides, in relevant part, that when a case has been brought in the wrong venue, the court "shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." See 28 U.S.C. § 1406(a). The Court finds that it is in the interest of justice to transfer this case to the Western District of Pennsylvania.

3. The Clerk of Court is directed to **TRANSFER** the above-captioned case to the Western District of Pennsylvania and **CLOSE** this case.

s/ Yvette Kane

Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania